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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,492	06/22/2001	Luis M. Ortiz	ORTIZ-1001	7719

7590 07/17/2006

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EXAMINER
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ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/887,492

Applicant(s)

ORTIZ, LUIS M.

Examiner

Md S. Elahee

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 7-11, 14-23, 30, 31, 88-94, 97-100 and 105-117 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-11, 14-23, 30, 31, 88-94, 97-100 and 105-117 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed 02/23/2006. Claims 1-3, 7-11, 14-23, 30, 31, 88-94, 97-100 and 105-117 are pending. Claims 4-6, 12, 13, 24-29, 79-87, 95, 96 and 101-104 have been cancelled. Claims 32-78 have been previously withdrawn.

### ***Response to Arguments***

2. Applicant's arguments filed 02/23/2006 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

### ***Claim Objections***

3. Claims 1, 15, 30, 100 and 105 are objected to because of the following informalities: regarding claim 1, the phrase 'of an a' in page 2, line 4 of the claim appears to be 'of a'. Appropriate correction is required.

Claims 6 15, 30 and 100 are objected for the same reasons as discussed above with respect to claim 1.

Regarding claim 105, the phrase 'claim 104' in page 9, line 1 of the claim appears to be 'claim 100'. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2614

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-3, 7-9, 15-20, 22, 23, 30, 31, 89-93, 98-100, 105-107, 112, 113 and 115-117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al. (U.S. Patent No. 5,793,630) in view of Robertson (U.S. Pub. No. 2001/0047441).

Regarding claims 1, 99, 100, 106 and 107, with respect to Figures 1, 2, Theimer teaches a method of brokering data between handheld wireless devices and data rendering devices, comprising:

selecting data from a portable device (PDA) [i.e., wireless device (WD)] for rendering at a publicly available electronic device [i.e., data rendering device (DRD)] with a location not yet known by the PDA (abstract; col.4, lines 42-47, 52-66, col.5, lines 14-19);

receiving a request for the WD at a network supporting the WD to locate at least one DRD in accordance with a WD user profile associated with the WD (abstract; fig.1, 2; col.1, lines 36-38, 57-65, col.4, lines 42-62);

locating at least one DRD matching the WD user profile (col.1, lines 57-65, col.4, lines 42-62);

identifying at least one DRD matching the WD user profile to the WD in response to the request (col.1, lines 57-65, col.4, lines 42-62);

selecting a DRD (col.1, lines 57-65, col.4, lines 42-62, col.5, lines 14-2)

transferring the document to the DRD rendering from memory associated with the PDA (abstract; fig.1, 2; col.1, lines 36-38, 57-65, col.4, lines 42-62, col.5, lines 14-29); and

However, Theimer does not specifically teach “data rendering device (DRD) further comprising at least one of a video monitor, an Internet Kiosk, a multimedia projector or an ATM machine”. Robertson teaches data rendering device (DRD) further comprising at least one of a video monitor, an Internet Kiosk, a multimedia projector or an ATM machine (page 1, paragraphs 0001, 0005, 0007, page 3, paragraphs 0041, 0042). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Theimer to incorporate data rendering device (DRD) further comprising at least one of a video monitor, an Internet Kiosk, a multimedia projector or an ATM machine as taught by Robertson. The motivation for the modification is to have doing so in order to upload data to a Kiosk such that a user can retrieve later on at his own choice.

Regarding claim 2, Theimer teaches that the DRD renders document only after a render command is provided to the DRD through the PDA (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).

Art Unit: 2614

Regarding claims 3 and 93, Theimer teaches that the command inherently includes a passcode (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).

Regarding claim 7, Theimer teaches that the data is rendered by the DRD after the render command is provided by a WD user on a user interface associated with the DRD (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).

Regarding claim 8, Theimer teaches that the data is retrieved from a storage [i.e., mailbox] assigned to the WD user only after the WD user provides a passcode to the DRD (col.1, lines 61-65).

Regarding claim 9, Theimer teaches that the passcode is provided to the DRD by the WD (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).

Claim 15 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Theimer teaches entering a DRD locator request with a network supporting the WD to find at least one DRD located near the WD, the locator request including WD location information, wherein the DRD location information is based on the WD location information (col.1, lines 57-65, col.4, lines 42-62).

Regarding claim 16, Theimer teaches that the data is transferred to the DRD via at least one network supporting communication of the data to the DRD from the network supporting the

Art Unit: 2614

WD following the request by the user to transfer the data to the DRD (col.1, lines 57-65, col.4, lines 42-62).

Regarding claim 17, Theimer teaches the network supporting the WD facilitating transfer of the data to the DRD from a memory associated with the WD via the at least one network supporting communication of data to the DRD (abstract; col.4, lines 42-47, 52-66, col.5, lines 14-19).

Claims 18-20 are rejected for the same reasons as discussed above with respect to claims 7-9 simultaneously.

Claims 22 and 23 are rejected for the same reasons as discussed above with respect to claims 2 and 3 simultaneously.

Claim 30 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Theimer teaches requesting support from a network supporting the PDA [i.e., WD] to assist the user in locating at least one DRD not assigned to the PDA and accessible to the user of the PDA, the locating executed by the network following at least one of commands by the user (abstract; col.4, lines 42-47, 52-66, col.5, lines 14-19).

Regarding claims 31, 105, Theimer teaches that the PDA [i.e., WD] renders data to the DRD after a render command is provided by the user associated with the WD (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).

Regarding claim 89, Theimer teaches receiving at a mediator [i.e., network server] a request associated with the WD for delivery of the data for rendering at the DRD (col.4, lines 42-47, 52-66, col.5, lines 14-19);

determining if delivery of data can be inherently approved by at least one of the network and/or DRD (col.4, lines 42-47, 52-66, col.5, lines 14-19); and

if delivery is approved, the server processes the request including facilitating delivery of the data to the DRD (col.4, lines 42-47, 52-66, col.5, lines 14-19).

Regarding claim 90, Theimer teaches receiving the data from the server at the DRD (col.4, lines 42-47, col.5, lines 14-29).

Regarding claim 91, Theimer teaches that the data is received at the DRD via a network supporting the DRD (col.4, lines 42-47, col.5, lines 14-29).

Regarding claim 92, Theimer teaches rendering the data at the DRD following a rendering command received at the DRD by the WD (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).



Regarding claim 98, Theimer teaches that the command enable WD user manipulation of data during rendering of the data at the DRD using the WD (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).

Claims 112 and 117 are rejected for the same reasons as discussed above with respect to claim 107. Furthermore, Theimer teaches that the user of a hand held wireless device physically locating the publicly available DRD (fig.2).

Regarding claims 113 and 116, Theimer teaches that the at least one publicly accessible DRD rendering the data it received from the network server after further receiving a command [i.e., wireless authorization signal] provided locally from the wireless hand held device (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).

Regarding claim 115, Theimer teaches that the at least one publicly accessible DRD rendering the data it received from the network server after further receiving a command [i.e., infrared authorization signal] from the wireless hand held device (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).

7. Claims 10, 21 and 114 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al. (U.S. Patent No. 5,793,630) in view of Robertson (U.S. Pub. No. 2001/0047441) further in view of Challener et al. (U.S. Patent No. 6,591,297).

Regarding claims 10, 21 and 114, Theimer in view of Robertson fails to teach “said passcode is provided at a user interface associated with said DRD”. Challenger teaches that the passcode is provided at an entry pad [i.e., user interface] associated with the DRD [i.e., DRD] (fig.1; col.3, lines 16-18). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Theimer in view of Robertson to allow the passcode being provided at a user interface associated with the DRD as taught by Challenger. The motivation for the modification is to have doing so in order to store the location information in the memory.

8. Claims 11, 88, 94 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al. (U.S. Patent No. 5,793,630) in view of Robertson (U.S. Pub. No. 2001/0047441) further in view of Magro et al. (U.S. Patent No. 6,457,078).

Regarding claims 11, 88, 94 and 97, Theimer in view of Robertson fails to teach “said rendering command includes decryption coding”. Magro teaches that the rendering command includes decryption coding (abstract; col.3, lines 35-49, col.4, lines 16-24, 31-54). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Theimer in view of Robertson to allow the rendering command including decryption coding as taught by Magro. The motivation for the modification is to have doing so in order to decode the control command associated with token.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al. (U.S. Patent No. 5,793,630) in view of Robertson (U.S. Pub. No. 2001/0047441) further in view of Ronen (U.S. Pub. No. 2002/0156708).

Regarding claim 14, Theimer in view of Robertson fails to teach “said network resource provides the WD with a passcode for use on an interface integrated with said DRD to cause said DRD to render the data”. Ronen teaches that the network resource provides the WD with a password [i.e., passcode] for use on an interface integrated with said DRD to cause said DRD to render the data (page 3, paragraph 0029). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Theimer in view of Robertson to allow network resource provides WD with a passcode for use on an interface integrated with the DRD to cause the DRD to render the data as taught by Ronen. The motivation for the modification is to have doing so in order to provide security for retrieval of data.

10. Claims 108-111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al. (U.S. Patent No. 5,793,630) in view of Robertson (U.S. Pub. No. 2001/0047441) further in view of Yacoub (U.S. Pub. No. 2003/0011805).

Regarding claims 108 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Theimer in view of Robertson fails to teach “printer”. Yacoub teaches printer (page 3, paragraphs 0024, 0025, 0027, 0028, page 6, paragraph 0046). Thus, it would

Art Unit: 2614

have been obvious to one of ordinary skill in the art at the time the invention was made to modify Theimer in view of Robertson to incorporate a printer as taught by Yacoub. The motivation for the modification is to have doing so in order to print document.

Regarding claim 109 is rejected for the same reasons as discussed above with respect to claims 2 and 3.

Regarding claim 110, Theimer teaches that the at least one publicly accessible DRD rendering the data it received from the network server after further receiving a command [i.e., infrared authorization signal] from the wireless hand held device (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).

Regarding claim 111, Theimer teaches that the at least one publicly accessible DRD rendering the data it received from the network server after further receiving a command [i.e., wireless authorization signal] provided locally from the wireless hand held device (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

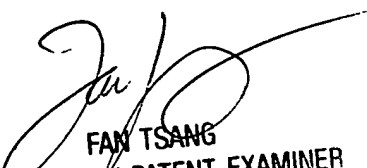
Delph (U.S. 6,286,029) teach Kiosk controller that retrieves content from servers and then pushes the retrieved content to a kiosk in the order specified in a run list.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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July 10, 2006

  
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